

IDAHO EMERGENCY COMMUNICATIONS

OFFICIAL MINUTES

October 7, 2004

A meeting of the Idaho Emergency Communications Commission was held on this date in Room 420, Idaho Statehouse, Boise, Idaho. Chairman Nancolas called the meeting to order at 9:10 a.m.

Members Present:

Garret Nancolas, Mayor, City of Caldwell, Commission Chairman
Representative Rich Wills, Commission Vice-Chairman
Ann Cronin, Special Assistant, Idaho State Police (ISP), Commission Secretary
R. David Moore, Blackfoot Police Chief, Commission Treasurer
Gary Aman, Owyhee County Sheriff
Teresa Baker, Ada County Prosecutor's Office
Clint Berry, Qwest, Boise
Jim Lemm, J&R Electronics, Inc., Coeur d'Alene
Joanna Guilfooy, Deputy Attorney General and Ex-Officio Member
Commissioner Matt Beebe, Canyon County Commission
Ben Estes, Retired Chief, Pocatello Fire Department
Shana Munroe, Emergency Medical Services, for Dia Gainor

Members Absent:

Dia Gainor, Chief, Idaho Bureau of Emergency Medical Services (EMS)
Bill Bishop, Director, Bureau of Homeland Security (BHS)
Dennis Johnson, Division Chief, Emergency Medical Services, Boise Fire Department

Others Present:

Pam Ahrens, Director, Department of Administration
Trish Stack, Office of the Governor
David Hahn, Division of Financial Management
Les Shadduck, Ada County
Bart Hamilton, Ada County Sheriff's Office
Sandy Harris, Statewide Interoperability Executive Council

Joe Roche, Department of Administration
Greg Zickau, Information Technology Resource Management Council
Rick Thompson, Department of Administration
Scot Maring, Department of Administration
Diane Blume, Department of Administration

Approval of Minutes

Commissioner Estes requested a change on page 4 of the September 2nd Commission meeting minutes. He asked that the reference to the Office of Domestic Preparedness be changed to the Office for Domestic Preparedness.

MOTION: Commissioner Cronin moved and Commissioner Moore seconded that the minutes of the September 2, 2004 Idaho Emergency Communications Commission meeting be approved as amended. The motion passed unanimously.

Financial Reports

Mr. Rick Thompson, Administration's Division of Internal Management Systems Administrator, reported the Commission has expended a total of \$1,188 in operating expenses to date. Most of the costs have been for Commissioners' travel. Expenses are temporarily being paid with funds available through the Office of Homeland Security until the assessments of emergency communications moneys from counties are collected.

Budget Committee Report

Chairman Nancolas explained the Budget Committee has not had the opportunity to meet since the last Commission meeting. This item was deferred to the November Commission meeting.

Operations Procedures Committee Report

Open Meeting Law, Public Records, Roberts Rules of Order

As requested, Commissioner Baker provided a brief overview of the open meeting law, public records law, and Roberts Rules of Order.

She cited Idaho Code Section 67-2341, the open meeting law, and specifically noted the difference between regular, executive, and special meetings. This Commission, she said, could meet criteria for an executive session if there is litigation pending against the

Commission, if the subject matter is related to sensitive Homeland Security information, or if the Commission is discussing proprietary issues.

Official records of the Commission will be housed within the Department of Administration, custodian of the records. All requests for documents are to be forwarded to Administration for processing within guidelines of the Public Records Act. Public records exemptions, in part, include documents that address trade secrets and proprietary information.

Finally, Commissioner Baker distributed a two-page parliamentary motions guide based on Roberts Rules of Order. Chairman Nancolas expressed the procedures will be generally observed, but it is his intent to keep the Commission meetings informal and efficient.

Rules for Addressing Requests for Mediation

In review, Commissioner Guilfooy cited Idaho Code 31-4817, which states in the event of a dispute between local governments over operations of consolidated emergency communications systems, the parties are required to seek mediation from the Emergency Communications Commission prior to initiating legal action. The Commission has 60 days from the date of submission to mediate and advise a recommendation in regard to the dispute. Local governments can choose whether or not to accept the Commission's recommendations.

Based on this statute, she drafted and distributed a set of mediation rules for the Commission to consider. She crafted them, she explained, to be structured, but not overly burdensome.

Generally, when mediation occurs as a result of a contract or litigation, it calls for confidentiality. However, under this statute she said she thinks the open meeting and public record act applies. There is no mention in the statute or draft rules about charging for mediation services, and there is no mention of repercussions should the mediation not be accomplished within the 60-day period, as defined.

Once this body approves a set of rules, she said, they go through a promulgation process pursuant to the Idaho Administrative Procedures Act. There are several types of rules. "Proposed rules" are published and there is a period that calls for public comment—a public meeting can be held if desired. "Negotiated rules" occur prior to publication at which time meetings are held with interested parties to negotiate a set of rules.

The date has since passed in August for rules to be submitted in time for the Legislature to consider them during the 2005 session, she said. An option that is available to the Commission is for these rules to be considered "temporary" and "proposed". This way, the rules are effective immediately upon publication. They go to the Legislature during its 2005 session along with all of the other temporary rules, but would not be considered

for approval until the 2006 session. If they are not approved at that time, they expire at the end of the 2006 legislative session.

The Division of Financial Management (DFM) must approve “temporary” rules, and they must meet one of the following three criteria:

1. They must be for the protection of the public health, safety, or welfare.
2. They must be in compliance with deadlines in amendments to governing law or federal programs.
3. They must confer a benefit.

The draft set of mediation rules probably meets the third criteria, and upon approval from DFM, would be consider “temporary” until the 2006 legislative session when they would be scheduled for consideration by the Legislature. At that time they will be considered a “pending” rule until they are approved.

The first ten sections of the draft set of mediation rules is standard information included in all administrative rules. However, Commission input is needed on several of the other sections, she said. **Section 13, Scheduled Group Mediation**, is drafted as follows: *“As soon as possible from the date of receipt for mediation” OR “Within (an amount to be determined by the Commission) days of receipt of a request for mediation”, the Commission shall schedule a date for a mediation at which all parties and a quorum of the Commission will be present. The Commission shall notify the parties in writing of the date of the group mediation.*

Chairman Nancolas proposed, and the Commission members concurred, that the language be modified to read: *“No later than 15 days of receipt of a request for mediation...”*

The Commission requested a modification to the language in **Section 015, Individual Position Statements**, as follows: *“If the Commission requires individual statements of position from each party, the statements of position should begin with a brief one-page statement of the dispute”*, in lieu of *“...should contain a one-paragraph statement of the dispute.”*

Chairman Nancolas also asked that verbiage be added in **Section 17, Group Mediation** to indicate a course of action should the Chairman not be able to preside over the scheduled mediation. Commissioner Guilfooy agreed to include language such as *“the Chairman or his designee”*, to this Section.

Another decision point, Commissioner Guilfooy continued, is regard to **Section 19, Commission Recommendation** which says, *“Within (undefined) days [OR as soon as possible after the end of group mediation], and in no event later than sixty (60) days from the date of submission of the issues to it as required by Idaho Code Section 31-4817, the Commission shall make its recommendation to the parties. The Commission may make such recommendation orally or in writing.”*

The Commission determined this language be changed to read as follows: “*Within 60 days of submission of all written documentation as outlined in Section 15 and required by Idaho Code Section 31-4817, the Commission...*”

Further discussion by the Commission addressed how the courts might address a situation where only one party agrees to the mediation process, and at what point a lawsuit can be issued. Commissioner Guilfooy reiterated her opinion that if a court action were filed, then a court could probably force mediation, but not before.

MOTION: Commissioner Aman moved and it was seconded by Commissioner Baker to direct Commissioner Guilfooy to amend the rules as discussed for Sections 13, 15, 17, and 19. The motion passed unanimously.

MOTION: Commissioner Estes moved and it was seconded by Commissioner Cronin that the Commission pursue the promulgation of temporary and proposed rules as soon as possible. The motion passed unanimously.

Grant Management

Roberta Silva, Planning, Grants, and Research Bureau Chief for the Idaho State Police, provided an overview of the federal grant application and management process. Typically, she said, securing a grant can take from a couple of months to about a year. Some grants, she added, will fund administrative functions.

Information was provided on locating potential grant moneys, and the grant funding cycles. The Division of Financial Management must approval all applications made by state agencies--spending authority then is included in the agency's budget. She also described for the members the type of infrastructure that would be necessary once the Commission were able to secure grant moneys.

Commission Mission and Vision

To begin discussions, Commissioner Cronin distributed example mission statements adopted by various state agencies, and a copy of the statement of purpose as it appears in the enabling statute of the Commission. She also provided a couple examples of a potential mission statement for consideration.

After much discussion, the members agreed to adopt the following as its official mission statement: *Enhancing Idaho's public health, safety, and welfare by assisting emergency communications and response professionals in the establishment, management, operations, and accountability of consolidated emergency communications systems.*

MOTION: Commissioner Moore moved and it was seconded by Commissioner Beebe to accept the Commission's mission statement as discussed. The motion passed unanimously.

ECC Communications Plan

As part of a future communications plan, Commissioner Cronin suggested the Commission consider creating a website for communicating with the public. Meeting minutes, agendas, and other documents could be posted there to provide ease in public records access. The Statewide Interoperability Executive Council website and the Emergency Communications Commission website should be also interconnected, she added.

Scot Maring, of Administration's Division of Information Technology and Communications Services offered to assist with the creation of a website and will report on its progress when the Commission meets in January. Administration will assist with as many tasks as possible to support this Commission to prevent a lot of overhead costs, Administration Director Pam Ahrens said.

Next Meeting

The Commission agreed to postpone its November meeting to Wednesday the 10th. There will be no meeting in December; the subsequent meeting would therefore be Thursday, January 6.

MOTION: Commissioner Cronin moved and seconded by Commissioner Berry that the November Commission meeting be postponed until the 10th. The motion passed unanimously.

Next Steps

Chairman Nancolas recapped that in addition to standard reports, the agenda for the November meeting will include a report from the Budget Committee on available federal funds, and a clarification on various aspects of the mediation rules by Commissioner Guilfooy.

Open Comment Period

There were no comments from the public.

Adjournment

MOTION: It was moved by Commissioner Baker and seconded by Commissioner Beebe to adjourn the October 7, 2004 Idaho E911 Emergency Communications Commission meeting at 12:45 p.m. The motion passed unanimously.

Mayor Garret Nancolas, Chairman
Idaho E911 Emergency Communications Commission

Diane K. Blume, Management Assistant
Department of Administration

Addendum: Commission Progress on its Prioritized Activities

Funding

~~Portion of 1% to be assessed (4 votes)~~
How to fund the “have-nots” (2 votes)
Sub-optimize by city?
~~Grant funding resources~~
Commission (ECC) funding/budget (1 vote)
Recommendation/advice on E911 spending
(ECC needs to decide scope)
Proactive to fund more than systems
(e.g. services, training, implementation)
(How will Title 31 money be used)
~~Federal funds application process~~
(~~track, assess, audit, measure~~)
Fee collection vs. ECC assistance
(City must vote in fees)
Statewide E911 procurement contracts
(Mutual needs buying power)
Conduit for funding

Systems

Scope of system—ECC role (equip, people)
Money for infrastructure
System implementation
(technical issue, project management)
Technical resources
Who defines architecture, and how do we
use and leverage systems
Need to understand baseline (education)
Identify technical resources & leverage
Regulate and consolidate systems
System interoperability standards
Business continuity—backup/recovery
Standards to engage vendors
Define minimum standards for system,
vendors (including purchasing)

Evaluation/Assessment

What is the baseline by County (as-is) (5 votes)
Leverage Office of Disaster Preparedness survey
Evaluate current standards
Define clear criteria for needs
(System applications & funding)
Recommend model – performance indicators
Establish “to-be” baseline

Governance

~~Cooperation—PSAP representation~~
~~Know statutory responsibilities (1 vote)~~
~~ECC by laws, committees (10 votes)~~
~~Guidelines for operations~~
Define level of mediation funding
Recommend model org. structure
ECC focus on all areas
(Clearinghouse for E911 assistance)
Long-term vision
(systems, organizations, processes)
Short-term tactical plan
ECC statewide representation
~~Acquire wireless representative member~~
~~Mediation Standards/Criteria~~
ECC staff support (1 vote)
Stay focused on mission
(If it’s not broken, don’t fix it.)

Education/Information

~~How will the 1% assessment be used~~
E911 need for money, improvements
Promote cohesive, solidarity,
interoperability, statewide cooperation
SIEC et. al.--standard definitions
Communicate—whose doing what?
Message: consolidate, coordinate,
funding, standards, leverage, etc.
May conflict with autonomy.
~~Tech. Educ. of ECC members (9 votes)~~